



PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

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Wood et al.

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Appln. No.: 09/577,489

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Group Art Unit: 1619

Filed: May 25, 2000

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Examiner: R. Bawa

For: METHODS OF ADMINISTERING LIQUID DROPLET
AEROSOLS OF NANOPARTICULATE DRUGS

Commissioner for Patents
Washington, D.C. 20231

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

This Paper is filed in response to the Office Action requiring restriction of the claims, mailed on August 15, 2001. A response is due by September 15, 2001, and therefore this response is timely filed.

REMARKS

The Examiner stated that claims 10 and 28 are generic to a plurality of disclosed patentably distinct species comprising the respiratory illnesses of claims 26 and 44, and that Applicants are required to elect a single disclosed species. Office Action at page 2.

The respiratory illness species are as follows: asthma, emphysema, respiratory distress syndrome, chronic bronchitis, cystic fibrosis, acquired immune deficiency syndrome (AIDS), and AIDS-related pneumonia..

Applicants provisionally elect, with traverse, to prosecute the species of asthma.

Applicants traverse the species election requirement on the grounds that the search and examination of the respiratory illness species are not unduly burdensome. In particular, it is noted that the Examiner has failed to demonstrate that the seven recited respiratory illness species are classified in different classes or subclasses.

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